

Docket No.: 272618US40PCT

OBLON
SPIVAK
MCCLELIAND
MAIER
- &
NEUSTADT

P.C.
ATTORNEYS AT LAW

RICHARD D. KELLY (703) 412-6241 RKELLY@OBLON.COM

AKIHIRO YAMAZAKI (703) 413-3000 AYAMAZAKI@OBLON.COM

COMMISSIONER FOR PATENTS ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/535,708

Applicants: Takehiro MORIYA, et al.

Filing Date: May 20, 2005

For: DIGITAL SIGNAL PROCESSING METHOD, PROCESSOR THEREOF, PROGRAM THEREOF, AND RECORDING MEDIUM CONTAINING THE

PROGRAM
Group Art Unit: 2819
Examiner: MAI, LAM T.

SIR:

Attached hereto for filing are the following papers:

Response to Restriction Requirement

Our credit card payment form in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAR, MCCLELLAND

Richard D. Kelly

Registration No. 27,757

Customer Number

22850

(703) 413-3000 (phone) (703) 413-2220 (fax) RDK/AY/TY/msh Akihiro Yamazaki Registration No. 46,155

I:\ATTY\TY\RESTRICTION - ELECTION\272618\272618 RESTRICTION CV LTR.DOC



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

TAKEHIRO MORIYA, ET AL.

: EXAMINER: MAI, LAM T

SERIAL NO: 10/535,708

FILED: MAY 20, 2005

: GROUP ART UNIT: 2819

FOR: DIGITAL SIGNAL PROCESSING METHOD, PROCESSOR THEREOF, PROGRAM THEREOF, AND RECORDING MEDIUM CONTAINING THE PROGRAM

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction requirement of February 10, 2006, Applicants provisionally elect Group II, Claims 11-15, drawn to processing digital signal by use of tap number of prediction and only on usable samples without using samples preceding, classified in class 341, subclass 82, for further examination on the merits. Applicants reserve the right to file one or more divisional applications directed to the non-elected invention.

Applicant respectfully traverses the outstanding restriction requirement on the grounds that it has not been established that it be an undue burden to examine each of the noted inventions and claims together.

M.P.E.P. § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. Application No. 10/535,708

Reply to Office Action of February 10, 2006

In the present application, Claims 1-10 and 22-27 are directed to a method and a processor for processing a digital signal on a frame-wise basis, Claims 11-15 are directed to a digital signal processing method that performs filter or prediction processing of a digital signal on a frame-wise basis, and Claims 16-21 are directed to a digital signal processing method that is

samples of a frame preceding or/and seceding the frame concerned. Hence, it appears that

used in frame-wise coding of an original digital signal and performs processing by use of

these claims according to the present invention are part of an overlapping search area and that

a search for Claims 11-15 would necessarily include a search directed to Claims 1-10, 22-27

and 16-21 as well. It is therefore believed that there is no undue burden on the Examiner to

search all the claims under MPEP §803, and Applicants respectfully traverse the Restriction

Requirement on the grounds that a search and examination of the entire application would not

place a serious burden on the Examiner.

Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-27 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,

MAIER & NEJUSTADOT, P.C.

Customer Number

22850

Tel: (703) 413-3000 Fax: (703) 413 -2220

(OSMMN 06/04) RDK\AY\TY\msh Richard D. Kelly
Attorney of Record

Registration No. 27,757

Akihiro Yamazaki

Attorney of Record

Registration No. 46,155

I:\atty\TY\RESTRICTION - ELECTION\272618\272618 RESTRICTION.DOC